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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Keith Raniere,

10 Plaintiff,

11 v.

12 Merrick Garland, et al.,

13 Defendants.  
14

No. CV-22-00561-TUC-RCC

**ORDER**

15 Before the Court is Defendants' Motion to Strike Plaintiff's Reply in Support of  
16 Motion for Preliminary Injunction (Doc. 24) and Plaintiff's subsequent Motion to Exceed  
17 Pages *Nunc Pro Tunc* (Doc. 25).

18 Federal courts may issue *nunc pro tunc orders*, or 'now for then' orders, to  
19 reflect the reality of what has already occurred[.] Such a decree  
20 presupposes a decree allowed, or ordered, but not entered, through  
21 inadvertence of the court. Put colorfully, *nunc pro tunc* orders are not some  
22 Orwellian vehicle for revisionist history - creating 'facts' that never  
occurred in fact. Put plainly, the court cannot make the record what it is  
not.

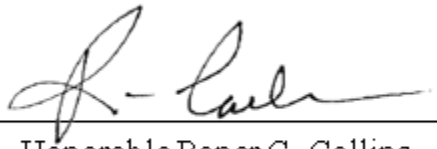
23 *In re Miller*, 620 B.R. 637, 640 (Bankr. E.D. Cal. 2020) (citation and quotation marks  
24 omitted).

25 Plaintiff believes he should be permitted to file an 18-page reply with over 200  
26 pages of additional evidence. Plaintiff claims the bullet-pointed reply extended the page  
27 limit. (Doc. 25 at 2.) Plaintiff explained only how one piece of evidence addresses an  
28 issue raised in the response—Suneel Chakravorty's affidavit. (*Id.*)

1 Plaintiff did not request an extension of pages and gives no explanation why a  
2 *nunc pro tunc* Order is appropriate now. The Court will therefore deny the motion to  
3 exceed pages. Furthermore, the Court will not forage through the exhibits to  
4 speculate how Plaintiff's evidence addresses issues raised in Defendants' response. *See*  
5 *Indep. Towers of Wash. v. Wash.*, 350 F.3d 925, 929 (9th Cir. 2003) ("Judges are not  
6 like pigs, hunting for truffles buried in briefs.") (quoting *United States v. Dunkel*, 927  
7 F.2d 955, 956 (7th Cir. 1991)). Thus, the Court will allow Plaintiff to file a  
8 conforming 11-page reply, permitting only the inclusion of Suneel Chakravorty's  
9 affidavit. Accordingly, IT IS ORDERED:

- 10 1) Defendants' Motion to Strike Plaintiff's Reply in Support of Motion for  
11 Preliminary Injunction is GRANTED. (Doc. 24.)
- 12 2) Plaintiff's subsequent Motion to Exceed Pages *Nunc Pro Tunc* is DENIED (Doc.  
13 25).
- 14 3) The Clerk of Court shall STRIKE Plaintiff's Reply in Support of Motion for  
15 Preliminary Injunction. (Doc. 20)
- 16 4) Within seven days of the date of this Order, Plaintiff may file a conforming reply  
17 including Suneel Chakravorty's affidavit.

18 Dated this 20th day of March, 2023.

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23 Honorable Raner C. Collins  
24 Senior United States District Judge  
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